

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RYAN J. OSWALD,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

MEMORANDUM

11-cv-217-bbc

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Defendant NCO Financial Systems, Inc. has filed a notice of removal of a state small claims case filed in the Circuit Court for Dane County, Wisconsin. In the underlying state case, plaintiff Ryan J. Oswald alleges that defendant has violated the Fair Debt Collection Practices Act by making numerous harassing phone calls. In an April 1, 2011 memorandum, I noted that plaintiff has repeatedly filed cases in this court and then done nothing to prosecute them. I warned plaintiff that if he did not call the court either to take part in the preliminary pretrial conference scheduled for May 13, 2011, or give a reason for not being able to take part in the conference, I would dismiss this case with prejudice for his failure to prosecute it.

On May 4, 2011, plaintiff called the court stating that he would not be able to

participate in the preliminary pretrial conference because he was going to be “away” and that he planned on continuing litigating the case in state court. Thus he has responded as requested to the April 1 memorandum. However, there is another problem; it seems that plaintiff no longer receives mail at the address he supplies in his complaint. The April 1 memorandum and notification of the preliminary pretrial conference date were returned as undeliverable. (It is unclear how plaintiff ever became aware of the May 13 conference date, but in any case there is no doubt that mail sent to his address has been returned as undeliverable.) This is particularly troubling given plaintiff’s history of failing to follow through on his cases in this court.

This is plaintiff’s last chance. I will give him until May 27, 2011 to inform the court of his new address. Should plaintiff fail to do so, or provide another invalid address, I will dismiss the case with prejudice for his failure to prosecute it. Because plaintiff seems to be unreachable by mail, I will have the clerk of court contact plaintiff by telephone and inform him of this memorandum.

Entered this 18th day of May, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge